

# TENNESSEE REGULATORY AUTHORITY

Deborah Taylor Tate, Chairman  
Pat Miller, Director  
Sara Kyle, Director  
Ron Jones, Director



460 James Robertson Parkway  
Nashville, Tennessee 37243-0505

March 18, 2004

Ms. Mac McIntyre  
Winstar Communications, LLC  
1850 M Street, NW  
Washington, DC 20036

RE: Docket # 04-00050

Dear Ms. McIntyre:

CLEC applicants are required, by statute, to demonstrate their managerial, financial and technical abilities to provide the services for which they seek authority. To assist the Authority in its review of Winstar Communications, LLC's application for a Certificate of Convenience and Necessity to provide competing facilities-based local services in Tennessee, you are requested to provide the following information:

1. Provide a list of the states in which Winstar Communications, LLC is certificated.
2. You have provided the parent company's, IDT Corporation, SEC Form 10-K with Winstar's application. Year-end 2002 financial statements including Balance Sheet, Income Statement and Statement of Cash Flows must be provided for Winstar Communications, LLC along with interim statements for 2003.
3. Provide projected financials for the Applicant, Winstar Communications, LLC for 2004 through 2006. The projections should not be state specific.
4. Provide a certification that a notice of the application was sent to the eighteen (18) Incumbent Local Exchange Companies ("ILECs") with a statement regarding the Company's intention of operating geographically including a date the notice was mailed.
5. A detailed sworn testimony was provided describing the parent company's (IDT Corporation) financial ability to provide telecommunications services in the State of Tennessee. Please provide a detailed sworn testimony describing Winstar's financial ability to provide telecommunications services in the State of Tennessee or a sworn statement from IDT guaranteeing when and how IDT's funds will be distributed to guarantee Winstar's financial ability on a going forward basis.

6. Provide a listing of all complaints filed with state and federal regulatory agencies involving Winstar Communications, LLC or affiliated companies. Identify the nature of the complaint, which governmental agency or office received the complaint, and how the complaint was resolved.
7. Winstar Communications, LLC's certificate was cancelled for failing to file UD-16 Reports for 2001 and 2002 which resulted in non payment of inspection fees. We have not received the reports or payment of the fees, only this new application for re-certification as of this date. Please proceed to file the UD-16 Reports and remit to the TRA the inspection fees due. The TRA should receive these reports and payments within ten (10) days of the date of this letter.
8. Do the customers that were transferred to Winstar Communications, LLC from Winstar Wireless, Inc. still exist today in the State of Tennessee as Winstar Communications, LLC customers?
9. On March 10, 2000, the Tennessee General Assembly enacted Public Chapter 586 which amends Tennessee Code Annotated §65-4-125, "Changes in telecommunications service provider - Regulation - Enforcement." Section 3 of this act states as follows:  
Section 3. Tennessee Code Annotated, Section 65-4-125, is amended by adding the following as a new, appropriately designated subsection:
  - j. By September 1, 2000, all telecommunications service providers subject to the control and jurisdiction of the authority, except those owners or operators of public [pay] telephone service who pay annual inspection and supervision fees pursuant to Tennessee Code Annotated, Section 65-4-301(b), or any telecommunications service provider that owns and operates equipment facilities in Tennessee with a value of more than five million dollars (\$5,000,000), shall file with the authority a corporate surety bond or irrevocable letter of credit in the amount of twenty thousand dollars (\$20,000) to secure the payment of any monetary sanction imposed in any enforcement proceeding, brought under this title or the Consumer Telemarketing Protection Act of 1990, by or on behalf of the authority.

Pursuant to the above statute, the following will be due to the Tennessee Regulatory Authority ("TRA"), prior to completing the processing of your application for a Certificate of Public Convenience and Necessity:

1. A corporate surety bond in the amount of \$20,000; or
  2. An irrevocable letter of credit in the amount of \$20,000; or
  3. Documentary evidence that you own and operate equipment facilities in Tennessee worth more than \$5,000,000.
10. Numbering Issues  
Please provide answers to the following questions concerning numbering within your proposed service area.

1. What is your company's expected demand for NXXs per NPA within a year of approval of your application?
2. How many NXXs do you estimate that you will request from NANPA when you establish your service footprint?
3. When and in what NPA do you expect to establish your service footprint?
4. Will the company sequentially assign telephone numbers within NXXs?
5. What measures does the company intend to take to conserve Tennessee numbering resources?
6. When ordering new NXXs for growth, what percentage fill of an existing NXX does the company use to determine when a request for a new NXX will be initiated?

11. Tennessee Specific Operational Issues

Please provide answers to the following questions concerning Tennessee Specific Operational Issues.

1. How does the company intend to comply with T.C.A. § 65-21-114? (copy attached)  
In its description, please explain technically how the company will not bill for county-wide calls within Tennessee.
2. Is the company aware of the Tennessee County Wide Calling database maintained by BellSouth and the procedures to enter your telephone numbers on the database?
3. Does the Company intend to subscribe to and/or participate in BellSouth's TAR Code data base in order to insure compliance with Tennessee's County Wide Calling Statute? If not, please describe in detail the method that will be used to insure your customers, within a Tennessee county, are not billed toll charges for a call made to any other resident (regardless of carrier) within the same county.
4. Is the company aware of the local calling areas provided by the Incumbent Local Exchange Carriers in your proposed service areas?
5. Explain the procedures that will be implemented to assure that your customers will not be billed long distance charges for calls within the metro area.
6. Please provide the name and telephone number of an employee of your company that will be responsible to work with the TRA on resolving customer complaints.
7. Does the Company intend to telemarket its services in Tennessee? If yes, is the company aware of the telemarketing statutes and regulations found in T.C.A. § 65-4-401 (copy attached) *et seq.* And Chapter 1220-4-11? (copy attached)

Please provide an original and 13 copies of this information by March 28, 2004. Please send the UD-16 Reports and payment of inspection fees to the attention of Laura Foreman, Fiscal Officer at this address. If you have any questions concerning this request or need additional information, please call Patsy Fulton at 615-741-2904 ext. 193.

Sincerely,

A handwritten signature in black ink, appearing to read "Joe Werner". The signature is written in a cursive, flowing style.

Joe Werner  
Telecommunications Chief

Attachments

Cc: Docket File